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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (optional)

29178/38215/US

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed

in patent number 6,026,372, granted February 15, 2000, and for which a reissue patent is sought on the invention entitled**COMPUTER SYSTEM FOR MAINTAINING CURRENT AND PREDICTING FUTURE FOOD NEEDS
TUNNELING ELECRONS IS USED TO**

the specification of which

☐

is attached hereto.

☒was filed on February 15, 2002 as reissue application number 10/077,364

and was amended on _____

(if applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐

by reason of a defective specification or drawing.

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by reason of the patentee claiming more or less than he had the right to claim in the patent.

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by reason of other errors.

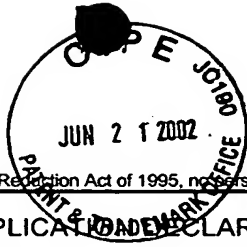
At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

I believe the '372 patent to be partly inoperative by reason of my claiming less than I had a right to claim in the '372 patent. For example, claim 1 of the '372 patent recites, at column 5, lines 42-53, a "table of selected food items ...," "a table of desired quantities of the selected food items at desired time intervals ...," and "a table of cooking time to prepare intervals relating to said table of selected food items" Also, claim 1 recites at column 5, line 56, "clock means for establishing a current time." For at least these reasons, claim 1 claims less than I had a right to claim in the '372 patent because my invention is not limited to the three separate and distinct tables containing food item information as recited in claim 1, and "clock means" as recited in claim 1 is an inherent feature of computing systems and need not be claimed.

Since claim 1 is the only independent claim in the '372 patent, it follows that I claimed less than I had a right to claim in the '372 patent. This also follows from the fact that none of the prior art references cited during the course of prosecution of the application which matured into the '372 patent, either taken alone or in any proper combination, discloses or suggests a system for predicting future food needs as that disclosed in the '372 patent.

The application that matured into the '372 patent was filed on May 27, 1997. The error in claiming less than I had a right to claim arose without any deceptive intention on my part. The error occurred because at the time that the '372 patent was prepared, prosecuted and ultimately issued, I did not have a complete understanding of the true scope and meaning of the language contained in the patent claim.

The error in claiming less than I had a right to claim was first discovered on or about August 2, 2001, when a potential licensee informed me that the legal scope of claim 1 was less than I had a right to claim. In particular, it was discovered that there was no need to recite three separate and distinct tables containing related information about food items and a "clock means" to establish a current time in the way these claim elements are recited in claim 1 of the '372 patent. If I had known before the '372 patent had issued that I had claimed less than I had a right to claim, I would have amended the claim in order to secure the full legal scope to which I am entitled.



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(REISSUE APPLICATION) ~~DECLARATION~~ DECLARATION BY THE INVENTOR, page 2)Docket Number (Optional)
29178/38215/US

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s)	Registration Number	Name(s)	Registration Number
John B. Lungmus	18,566	Patrick D. Ertel	26,877
Allen H. Gerstein	22,218	Richard B. Hoffman	26,910
Nate F. Scarpelli	22,320	David C. Read	39,811
Michael F. Borun	25,447	Thomas I. Ross	29,275
Carl E. Moore, Jr.	26,487	James P. Zeller	28,491
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

John K. Savage

Inventor's signature

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30 MAY 02

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☐

Additional joint inventors are named on separately numbered sheets attached hereto.

